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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 PHILLIP J. LYONS,

10 Plaintiff,

11 vs.

12 STATE OF NEVADA ex rel, c/o ORTIZ, et
13 al.,

14 Defendants.
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Case No. 2:10-CV-00707-JCM-(LRL)

ORDER

17 Presently before the court is plaintiff Phillip J. Lyons' *pro se* motion to review and deny
18 defendants' bill of costs. (Doc. #53). Defendants filed an opposition. (Doc. #56). Plaintiff argues that
19 he was granted *in forma pauperis* status in state court and should not be taxed these costs in federal
20 court. (Doc. #53).

21 On August 23, 2011, defendants filed a bill of costs totaling \$350, the cost of removing the case
22 from state to federal court. (Doc. #45). The clerk of court entered a clerk's judgment of \$350 on
23 September 15, 2011. (Docs. #50 and #51). Eleven days later, on September 26, 2011, plaintiff filed
24 the instant motion. (Docs. #53).

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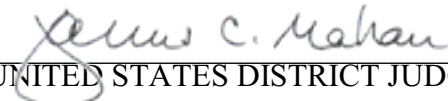
1 Pursuant to Federal Rule of Civil Procedure 54(d)(1), the court may review the costs taxed “[o]n
2 motion served within . . . 7 days” of the entry of costs taxed. FED. R. CIV. P. 54(d)(1).¹ In the Ninth
3 Circuit, a party waives the right to challenge a cost award if the party fails to object to the costs within
4 the requisite period. *Walker v. Cal.*, 200 F.3d 624, 625-26 (9th Cir. 1999).

5 Plaintiff failed to file his objection to the costs within the requisite 7-day period. Thus, plaintiff
6 has waived his right to challenge the cost award. *Walker*, 200 F.3d at 625-26.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Phillip J. Lyons’ *pro*
9 *se* motion to review and deny defendants’ bill of costs (doc. #53) be, and the same hereby is, DENIED.

10 DATED October 28, 2011.

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13 UNITED STATES DISTRICT JUDGE
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25 Note to subdivision (d) of Rule 54 states that “[t]he provisions as to costs in actions in forma
26 pauperis contained in [28 U.S.C. § 1915] are unaffected by this rule.” Plaintiff was never
27 granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915, so this note is immaterial for the
28 instant motion.